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March 11, 2008

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Honorable Kenneth M. Karas
United States District Judge
United States Courthouse
300 Quarropas Street
Room 533
White Plains, NY 10601

Re: Vetromile v. JPI Partners, LLC
07 Civ. 11032 (KMK)
Our File No. 6655-2

Dear Judge Karas:

I am writing to follow up on the jury trial issue in this matter. At the initial conference on February 29, this issue was raised but not resolved.

Subdivision (c) of Rule 81 of the Federal Rules of Civil Procedure addresses the matter of jury demands in removed actions.


Unfortunately, however, as has been noted, cases removed from New York State courts typically fall within a grey area not covered by Rule 81(c). See Vincent v. AST Research Inc., 199 F.R.D. 95, 96 (N.D.N.Y. 2001).

The Court of Appeals has set forth guidelines for determining how to handle this issue. See Higgins v. Boeing Co., 526 F.2d 1004, 1007 (2nd Cir. 1975). As applied in the Vincent case, supra, it is clear that, under those guidelines, a demand for a jury should be permitted and upheld where it is made at an early stage of the case such that there can be no prejudice to the defendant from granting a jury trial.

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In the present case, discovery notices have not even been served. Accordingly, there can be no prejudice to the defendant, and plaintiff respectfully demands a jury and requests that that demand be allowed by the Court.

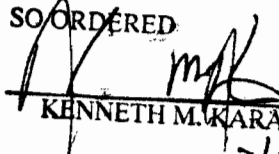
Respectfully submitted,


Paul T. Shoemaker PS 5388

PTS:jo

cc: Neil G. Sparber, Esq.

Defendant is to respond to this
letter by March 24, 2008.

SO ORDERED

KENNETH M. KARAS U.S.D.J.
3/17/08